

b.) Remarks

Claims 26 and 39 have been amended in order to recite the present invention with the specificity required by statute. Additionally, claim 41 is amended to correct the typographical error kindly pointed out by the Examiner. Claims 38 and 51 have been cancelled as superfluous. No new matter has been added.

Claims 28 and 41 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In support of the rejection the Examiner states that the same wetting agent (polyoxyethylene glycol derivatives) may be used to inhibit reaction of both LDL and HDL.

Respectfully submitted, this is incorrect; Applicants wish to explain as follows. That is, "POE derivatives" are described as a surfactant which inhibits the reaction of lipoproteins other than HDL in claims 28 to 37, and in claims 39 to 50 as allowing the reaction of lipoproteins other than LDL (e.g., as inhibiting the reaction of LDL). There is no technical inconsistency.

Claims 26-51 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshida et al. or Ohkubo et al. in view of US 4,215,993 or EP 76211. This rejection is respectfully traversed. However, to reduce the issues and squarely address the Examiner's statement (see page 5 of the Office Action at lines 13-14)

[a]s the sample from step 1 is not required to contain a mixture of lipoproteins

Applicants have above amended claims 26 and 39 to explicitly recite that very feature. As noted by the Examiner, such is not taught or suggested by the prior art.

Additionally, to still further distinguish the prior art, Applicants' amendment introduces language to recite that the particular lipoprotein is high density

lipoprotein (claim 26) or low density lipoprotein (claim 39). Such subject matter is also unobvious over the prior art, as discussed below.

Neither the '993 Patent nor EP '211 discloses or suggests the method for specifically producing glycerol from HDL by eliminating free glycerol from the sample containing "triglycerides in a mixture of lipoproteins and free glycerol", and reacting the resulting "mixture of lipoproteins" with lipoprotein lipase in the presence of reagent that inhibits reaction of lipoproteins other than HDL.

Similarly, neither the '993 Patent nor EP '211 discloses or suggests the method for specifically producing glycerol from LDL by reacting the sample containing "triglycerides in a mixture of lipoproteins and free glycerol" with lipoprotein lipase.

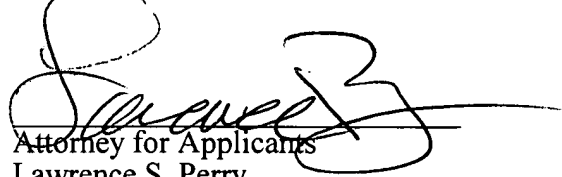
Since neither Yoshida nor Ohkubo teach these features, for at least these reasons, there is no *prima facie* obviousness.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 26-37 and 39-50 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence S. Perry", is written over the printed name and title.

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